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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.622(b),	)	MB Docket No. 02-66
Table of Allotments,	)	RM-10252
Digital Television Broadcast Stations.	)	
(Rutland, Vermont)	)	

To: Chief, Video Division

SUPPLEMENTAL COMMENTS OF VERMONT ETV, INC.

Vermont ETV, Inc. ("Vermont ETV"), licensee of noncommercial educational television station WVER(TV) (NTSC Ch. *28), Rutland, Vermont ("WVER"), files these supplemental comments with respect to the Commission's Notice of Proposed Rulemaking[1] in the above-captioned proceeding in response to a letter from the Media Bureau dated June 24, 2002 ("Letter").[2] The Letter finds that Vermont ETV's proposal in its Amended Petition for Rulemaking to substitute Channel *9 for Channel *56 as the reserved noncommercial educational DTV channel assigned to WVER fails adequately to protect NTSC Channel 9 at Sherbrooke, Quebec. It directs Vermont ETV to eliminate the overlap or submit a Longley-Rice analysis showing less than 2% interference to the Canadian channel.

As explained in the attached Engineering Statement, a Longley-Rice analysis demonstrates that if WVER reduces its DTV power on Channel *9 from 30 kW to 15 kW, it will cause less than 2% interference to any Canadian allotment contained in the Letter of

[1] In re Amendment of Section 73.622(b), Table of Allotments, Digital Television Broadcast Stations. (Rutland, Vermont), *Notice of Proposed Rule Making*, 17 FCC Rcd 5799 (2002) ("*Notice*").

[2] *See* Letter From Clay Pendarvis, Associate Chief, Video Division, Media Bureau, Federal Communications Commission, to Jennifer A. Johnson, Covington & Burling, 1800E1-PB (June 24, 2002).

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Understanding between the FCC and Industry Canada.[3] Vermont ETV therefore requests that the Bureau grant WVER's proposed channel change from Channel *56 to Channel *9 subject to a reduction in the specified power from 30 kW ERP to 15 kW ERP to reduce interference to Channel 9 at Sherbrooke, Quebec to below 2%.

WHEREFORE, Vermont ETV, Inc. respectfully requests that the Commission amend Section 73.622(b), the DTV Table of Allotments, by substituting Channel *9 with an ERP of 15 kW and antenna HAAT of 411 m for Channel *56 in Rutland, Vermont at coordinates 43-39-32 N and 73-06-25 W[4] as the DTV channel assigned to WVER.

Respectfully submitted,

Amy L. Levine

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Attorneys for Vermont ETV, Inc.

August 22, 2002

[3] Letter of Understanding Between the Federal Communications Commission of the United States of America and Industry Canada Related to the Use of the 54-72 MHz, 76-88 MHz, 174-216 MHz and 470-806 MHz Bands for the Digital Television Broadcasting Service Along the Common Border (rel. Sept. 29, 2000).

[4] We note that the *Notice* inadvertently lists these coordinates as 43-39-32 N and 73-06-25 N. *See Notice* ¶ 3.

ATTACHMENT

ENGINEERING STATEMENT
RESPONSE TO FCC LETTER
DATED JUNE 24, 2002
REGARDING MB DOCKET NO. 02-66
REFERENCE 1800 E1-PB
PETITION FOR RULE MAKING
SECTION 73.622 OF THE FCC RULES
TO CHANGE DTV CHANNEL
ON BEHALF OF
VERMONT ETV, INC.
WVER(TV), RUTLAND, VERMONT

AUGUST 2002

COHEN, DIPPELL AND EVERIST, P.C.
CONSULTING ENGINEERS
RADIO AND TELEVISION
WASHINGTON, D.C.

This engineering statement has been prepared on behalf of Vermont ETV, Inc., licensee of television station WVER(TV), Rutland, Vermont, and is in response to the FCC letter dated June 24, 2002.[1] That FCC letter requested additional information with reference to protection to Canadian allotments contained in the *Letter of Understanding*.[2] Specifically information regarding coordination with the FCC Channel 9 station at Sherbrooke, Quebec is requested.

Canadian concurrence is to be demonstrated by using the information and procedures set forth in the *Letter of Understanding* ("LOU"), released September 29, 2000, and an analysis using the Longley-Rice propagation model is permitted. A Longley-Rice analysis has been performed and demonstrates that less than 2% interference is caused to any Canadian allotment contained in the LOU. The results of Longley-Rice analysis are as follows:

WVER-DT proposes the following:

Channel:	9
ERP:	15 kW non-directional
Center of Radiation Above Ground:	68 meters
Center of Radiation:	670 meters AMSL
HAAT	411 meters
Coordinates:	N 43° 39' 32" W 73° 06' 25" NAD-27

[1]MB Docket No. 02-66, Reference 1800 E1-PB.

[2]"Letter of Understanding Between the Federal Communications Commission of the United States of America and Industry Canada Related to the Use of the 54-72 MHz, 76-88 MHz, 174-216 MHz and 470-806 MHz Bands for the Digital Television Broadcasting Service Along the Common Border".

This request is supported by a Longley-Rice analysis of the impact of this proposal on other NTSC stations and DTV stations contained in the *Letter of Understanding*. An allocation analysis has been performed using the Federal Communications Commission OET Bulletin 69 dated July 2, 1997 and the FCC supplemental processing guidelines dated August 1998 modified to include terrain[3] and population data for Canada. The analysis was performed by using the FCC Longley-Rice model adapted for use for an INTEL computer. The results of this adapted program domestically has been compared to other known FCC studies and have been found to give comparable results.

Table 1 provides the results of this analysis which demonstrates compliance with the provisions of the *Letter of Understanding*.

[3]Based on Global 30-second datum.

COHEN, DIPPELL AND EVERIST, P. C.

TABLE 1
INTERFERENCE SUMMARY
BASED ON LONGLEY-RICE ANALYSIS
WVER-DT, RUTLAND, VERMONT
AUGUST 2002

A study of predicted interference by the proposed WVER-DT operation on DTV Channel 9 has been performed using a version of the Longley-Rice program as described in OET Bulletin 69 dated July 2, 1997 modified to include terrain and population data for Canada.

Baseline WVER-DT: Allotment, Ch. 56, 50 kW, 429 M HAAT
N 43°39'32" L, W 73°06'25" L
(NAD-27)

Proposed Change: Ch. 9, 15 kW, 429 M HAAT, 670 M AMSL
N 43°39'32" L, W 73°06'25" L
(NAD-27)

Canadian Station

CKSH-TV, Channel 9, Sherbrooke, QU, Class VU
325 kW ND 607.1 M HAAT 893.4 M AMSL
N 45° 18' 43" L
W 72° 14' 32" L
NAD-83
196 km from WVER bearing N 20° E

WVER-DT ND power for less than 2% interference: = 15 kW

CBOFT, Channel 9, Ottawa, ON, Class VU
252 kW 425 M HAAT 564.5 M AMSL
N 45° 30' 11" L
W 75° 51' 02" L
NAD-83
299 km from WVER bearing N 314°E

Interference from WVER-DT as proposed: less than 0.1%

COHEN, DIPPELL AND EVERIST, P. C.

City of Washington)
) ss
District of Columbia)

Donald G. Everist, being duly sworn upon his oath, deposes and states that:

He is a graduate electrical engineer, a Registered Professional Engineer in the District of Columbia, and is President of Cohen, Dippell and Everist, P.C., Consulting Engineers, Radio - Television, with offices at 1300 L Street, N.W., Suite 1100, Washington, D.C. 20005;

That his qualifications are a matter of record in the Federal Communications Commission;

That the attached engineering report was prepared by him or under his supervision and direction and

That the facts stated herein are true of his own knowledge, except such facts as are stated to be on information and belief, and as to such facts he believes them to be true.

Donald G. Everist
District of Columbia
Professional Engineer
Registration No. 5714

Subscribed and sworn to before me this 16th day of August, 2002.

Notary Public

My Commission Expires: 2/28/2003